

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|------------------------------------|
| HERBERT BLAKENEY, |) | |
| |) | Civil Action No. 19 – 1515 |
| Plaintiff, |) | |
| |) | |
| v. |) | District Judge Robert J. Colville |
| |) | Magistrate Judge Lisa Pupo Lenihan |
| SUPT. GILMORE, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER OF COURT

Before the Court is the September 15, 2020 Report and Recommendation of the Honorable Lisa Pupo Lenihan (ECF No. 25) recommending that Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 15), which may or may not be construed as a Motion to Proceed on Appeal *in forma pauperis*, be denied in accordance with 28 U.S.C. § 1915(g) and that this action remain administratively closed until such time that Plaintiff pays the full \$400.00 district court case filing fee or the full \$505 appellate case filing fee to proceed with any desired appeal to the Third Circuit Court of Appeals.

Plaintiff, appearing pro se, was due to file objections to Judge Lenihan's Report and recommendation by October 2, 2020. (ECF No. 25). He requested an extension of time to file objections (ECF No. 26); said request was granted by Order of Court and objections were due November 2, 2020. (ECF No. 27). No objections were filed, and the matter is now ripe for disposition.

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d

874, 877 (3d Cir.1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Upon review of the September 15, 2020 Report and Recommendation, as well as a review of the entire record in this matter, it is hereby ORDERED:

The Court hereby adopts Judge Lenihan's Report and Recommendation as the Court's Opinion with respect to Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 15). The motion (ECF No. 15) is hereby DENIED in accordance with 28 U.S.C. § 1915(g) and this action shall remain administratively closed until such time that Plaintiff pays the full \$400.00 district court case filing fee or the full \$505 appellate case filing fee to proceed with any desired appeal to the Third Circuit Court of Appeals.

Dated: November 19, 2020.

s/Robert J. Colville
Robert J. Colville
United States District Judge

Cc: Herbert Blakeney
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